IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

WP(C).No. 26279 of 2003(C)

PETITIONER:

DR. S. CHAND BASHA @ DR. BASHA,
AGED 66 YEARS, SON OF B. SHERRIF SAHIB,
RESIDING AT B.503, KANJANJUNGA APARTMENTS,
PALARIVATTOM, KOCHI-25.

BY ADV. SRI.K.L.NARASIMHAN

RESPONDENTS:

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1. **M/S. VASANTH APARTMENTS AND CONSTRUCTION COMPANY HAVING ITS REGISTERED OFFICE AT T.C.9/2105, SANKAR ROAD, SASTHAMANGALAM POST, THIRUVANANTHAPURAM-10, REPRESENTED BY ITS MANAGING DIRECTOR, SRI.B. SATHEESH NAIR.**

2. **B. SATHISH NAIR, AGED 42 YEARS, S/O. DR.B.K.NAIR, MANAGING DIRECTOR, M/S. VASANTH PARTMENTS & CONSTRUCTINS LTD.,T.C.NO.9/2105,SANKAR ROAD,SASTHAMANGALAM, TRIVANDRUM-10, NOW, THE AVAILABLE/PRESENT ADDRESS SRI B. SATHISH NAIR,TRANS INDIA CONSTRUCTIONS,NEAR PETROL BUNK,EDAPPAZHINJI, THIRUVANANTHAPURAM.**

3. **M/S. HEERA CNSTRUCTIONS PRIVATE LTD., REPRESENTED BY ITS MANAGING DIRECTOR A.A. RASHEED BABU, REGISTERED OFFICE AT HEERA PARK, M.P. APPAN ROAD, VAZHUTHACAUD, THIRUVANANTHAPURAM.**

4. **MRS. M. RAMANI AMMA, D/O. SRI. APPUKUTTAN NAIR, AGED 47 YEARS, RESIDING AT 'ANBALAYAM', NEDUMANGAD, THIRUVANANTHAPURAM-LAND OWNERS.**

5. MR. P.A. RAVIKUMAR,
S/O. SRI.A. APPUKUTTAN NAIR,
AGED 42 YEARS, 'ANBALAYAM',
ARASUPARAMBU, NEDUMANGAD, THIRUVANANTHAPURAM.

6. P.A. RAMESH KUMAR, S/O. SRI. APPUKUTTAN NAIR, AGED 36 YEARS, RESIDING AT DO. DO.

BY ADV. SRI.T.M.CHANDRAN
SRI.V.AJAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.26279/2003 C

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE AFFIDAVIT FILED IN SUPPORT OF THE PETITION FOR ATTACHMENT BEFOE JUDGMENT FILED BY THE PETITIONER AS PLAINTIFF IN O.S.NO.354/2002 DTD. 7/2002.**

EXT.P2: **COPY OF THE OBJECTION FLED BY THE THIRD RESPONDENT IN O.S.NO.354/2002 DTD. 3/08/2002.**

EXT.P3: **COPY OF THE ORDER IN I.A.NO.2278/202 IN O.S.NO.354/2002 OF THE SECOND ADDITIONAL SUB COURT, THIRUVANANTHAPURAM DTD. 20/03/2003.**

/TRUE COPY/

P.A.TO JUDGE

KSS

PIUS C. KURIAKOSE,J.

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W.P.(C) No.26279 of 2003

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Dated: 29th November, 2007

JUDGMENT

Under challenge in this Writ Petition initiated by the petitioner-plaintiff under Article 227 of the Constitution is Ext.P3 order dismissing an application for attachment before judgment. On admitting the Writ Petition, this court stayed the operation of Ext.P3 and ordered interim attachment. That order is in currency even now. It is not clear whether the suit is pending. The Writ Petition at any rate will stand disposed of continuing the interim order of attachment passed by this court and directing the learned Subordinate Judge, Trivandrum to try and dispose of the suit O.S.No.354/02 (if the same is pending) by special listing the same in the earliest available special list for trial.

srd **PIUS C.KURIAKOSE, JUDGE**